

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated December 17, 2008 and, thus, the application is in condition for allowance.

By this reply, claims 1, 15, and 18 are amended. Claims 1-21 remain pending. Of these, claim 1, 15, 18 and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1-13 and 15-18 were rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. It is asserted that the steps or acts of the claims are not tied to a statutory category. Though not necessarily agreeing with the assertion in the Office Action, solely to expedite the prosecution, the independent claims have been amended to provide additional structural recitation in the form of a graphical user interface. Applicant respectfully requests the withdrawal of the rejection.

In the outstanding Office Action, claims 1-9 and 15-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Mitchell (US Pat. App. No. 2002/0113816). It is asserted that Mitchell discloses a method with all of the limitations of the present invention as recited in the claims and therefore anticipates the claims. Applicant respectfully traverses.

Neither Mitchell nor any other related art of record can anticipate the present invention as recited in the claims because Mitchell does not teach or fairly suggest each of the elements recited therein. For example, Mitchell fails to teach or suggest any type of display of a hierarchy of geographical areas. This element is present in each of the independent claims. A display of hierarchy of geographical areas permits network operators to navigate through the network efficiently from top to bottom based upon a node's geographical location. Mitchell discloses a method for providing a graphical user interface (Mitchell, Paragraph [0011]). In no

way does Mitchell disclose or fairly suggest a system or method of managing network elements in a manner as recited in the pending claims. At most, Mitchell discloses a map for providing a user with an indication of where in the hierarchy the objects exist that are currently on display in the graphical user interface (Mitchell, Paragraph [0023]). The location within a hierarchy disclosed in Mitchell has absolutely nothing to do with the geographical location of an object. This location only has to do with the level within the network the object exists on. The Office Action cites paragraph [0006] of Mitchell, but this too has nothing to do with a display of geographical hierarchy. This paragraph merely states that networks are spaced out and may be grouped as such. This paragraph does not disclose any display of a network geographically, as claimed in the present invention. Furthermore, the display of elements disclosed in Mitchell teaches away from displaying geographical locations. With respect to the placement of nodes on the display, Mitchell states: “[T]he processing divides three hundred sixty degrees by the number of child nodes which will depend from a parent. The result is the angle of separation required for each child node to be displayed in a circumferential manner around a parent node. This allows each child node to be established in step 505-C with a parameter allowing even spacing of each child about the parent node.” (Mitchell, Paragraph [0085]). Therefore, any display in Mitchell is based upon surrounding the parent node with the child nodes. This has absolutely nothing to do with the geographic location and in no way would display the geographic location of the nodes. Mitchell’s display simply does not give the user a geographical location of a node. Thus, because Mitchell does not contain each element of the independent claims, Mitchell cannot anticipate the pending claims. For at least this reason the rejection should be withdrawn.

Mitchell does not teach all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from Mitchell. These

dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Mitchell. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 10, 12-14 and 20-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell in view of Weinberg (USPN 6,144,962). It is asserted that Mitchell discloses a method and system with all of the limitations of the present invention as recited in the claims, but for the step of summarizing the representation of network elements including use of textual annotation as recited in claim 10; wherein network management being supervised comprising creating supervisor identities; and in which the establishment of rule-sets includes establishing a set of rules for each supervisor identity; rules being responsive to conditions selected from a group consisting of power source status, software corruption, hardware failure, environmental factors, and intrusion into the network elements as in claims 12-13. It is further alleged that Weinberg discloses these deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Mitchell, nor Weinberg, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, none of the references teach or suggest any type of display of a hierarchy of geographical areas as recited in the pending claims. As these claims are dependent upon the independent claims, this element is necessarily present in each claim. Weinberg discloses a software package for facilitating the management and analysis of Web sites (Weinberg, Column 1, Line 66 to Column 2, Line 2). At most, Weinberg discloses a map of the architecture of a Web site. There is no mention of geography as this has no bearing on Web site architecture.

Therefore, this reference in no way can cure all of the deficiencies of Mitchell with respect to the pending claims. Thus, because Mitchell and Weinberg cannot, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. These dependent claims add further features that, in combination with the features presented in the independent claims, clearly further distinguish the claims from any teaching or suggestion by Mitchell or Weinberg. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitchell in view of Henderson (USPN 5,726,979). It is asserted that Mitchell discloses a method and system with all of the limitations of the present invention as recited in the claims, but for the step wherein representing each network element in a geographical area at a first level in the geographical hierarchy includes entering a latitude and longitude of the network element upon installation into the network as in claim 11. It is further alleged that Henderson discloses this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

Neither Mitchell, nor Henderson, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, none of the references teach or suggest any type of display of a hierarchy of geographical areas as recited in the pending claims. Henderson discloses a network management system that employs an object model representation of the network configuration. Henderson

does not teach or suggest the use of a hierarchical geography scheme to represent network elements nor the display thereof. Therefore, this reference in no way can cure all of the deficiencies of Mitchell with respect to the pending claims. Thus, because Mitchell and Henderson cannot, alone or in combination, teach all of the elements in the independent claim, the dependent claim, which depends therefrom, is patentably distinct from any prior art of record. This dependent claim adds further features that, in combination with the features presented in the independent claim, clearly further distinguish the claim from any teaching or suggestion by Mitchell or Weinberg. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claim should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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/Fariborz Moazzam, Reg. No. 53,339/

Fariborz Moazzam

Reg. No. 53,339

Cust. No. 39,013

MOAZZAM & ASSOCIATES, LLC

7601 Lewinsville Road, Suite 304

McLean, VA 22102

(703) 442-9480

(703) 991-5978 (fax)